

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, August 21, 2002, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Jon Carlson, Steve Duvall, Gerry Krieser, Roger Larson, Greg Schwinn, Cecil Steward, Mary Bills-Strand and Tommy Taylor (Patte Newman absent); Mike DeKalb, Ray Hill, Jason Reynolds, Brian Will, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Chair Greg Schwinn called the meeting to order and requested a motion approving the minutes of the meeting held August 7, 2002. Carlson moved to approve the minutes, seconded by Bills-Strand and carried 6-0: Carlson, Larson, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Duvall and Krieser abstaining; Newman absent.

### **CONSENT AGENDA**

### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

### **BEFORE PLANNING COMMISSION:**

August 21, 2002

Members present: Carlson, Duvall, Krieser, Larson, Schwinn, Steward, Bills-Strand and Taylor; Newman absent.

The Consent Agenda consisted of the following items: **COUNTY CHANGE OF ZONE NO. 208; SPECIAL PERMIT NO. 1983; FINAL PLAT NO. 02016, TABITHA NEW COMMUNITY 4<sup>TH</sup> ADDITION; FINAL PLAT NO. 02022, ASHLEY HEIGHTS 1<sup>ST</sup> ADDITION; ANNEXATION NO. 02005; COMPREHENSIVE PLAN CONFORMANCE NO. 02006; COMPREHENSIVE PLAN CONFORMANCE NO. 02007; COMPREHENSIVE PLAN CONFORMANCE NO. 02005; WAIVER OF DESIGN STANDARDS NO. 02015 and MISCELLANEOUS NO. 02004.**

**Item No. 1.6, Comprehensive Plan Conformance No. 02005**, was removed from the Consent Agenda and scheduled for separate public hearing at the request of Commissioner Steward.

Steward moved to approve the remaining Consent Agenda, seconded by Krieser and carried 8-0: Carlson, Duvall, Krieser, Larson, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Newman absent.

Note: This is final action on Special Permit No. 1983; Tabitha New Community 4<sup>th</sup> Addition Final Plat No. 02016; Ashley Heights 1<sup>st</sup> Addition Final Plat No. 02022; Comprehensive Plan Conformance No. 02005; and Miscellaneous No. 02004, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the action by the Planning Commission.

**COMPREHENSIVE PLAN CONFORMANCE NO. 02005**  
**FOR A CONSERVATION EASEMENT FOR WETLANDS,**  
**ON PROPERTY GENERALLY LOCATED**  
**NORTHEAST OF THE INTERSECTION OF**  
**INTERSTATE 80 AND OAK CREEK DRIVE.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 21, 2002

Members present: Carlson, Taylor, Bills-Strand, Larson, Krieser, Duvall, Steward and Schwinn; Newman absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

This application was removed from the Consent Agenda and had separate public hearing at the request of Commissioner Steward.

Proponents

**1. Reed Schwartzkopf** of ESP appeared on behalf of **Interstate Land, L.L.C.** In general, this proposed conservation easement is to secure an area of wetlands as well as drainageway that exist on the property to try and hold it from any harm in the future by any sort of potential development or land use or anything that might be done in this general area. This application has been through multiple progressions. It has been reviewed by the Army Corps of Engineers, somewhat with the NRD, city staff, ESP and the owners. It is his understanding that everyone is very satisfied.

Steward noted that in looking at the map, it appears that there is another section lying to the east of the proposed easement that has regularly been farmed around. If that is the case, is it not a part of this same ecosystem? Schwartzkopf advised that it is not included because it did not meet the level of substantiation for wetlands—hydrology, soils and plants. That particular area does not sustain all three of those things. The area of the proposed easement is twice as large as the physical wetland area. The area to which

Steward alluded was not determined to be wetlands. The only other wetlands on the site that were determined to be true wetlands actually exist in Oak Creek channel and are being addressed under separate issue.

Steward sought confirmation that any future development, drainage or other circumstances could easily be mitigated to not harm what is in the easement. Schwartzkopf responded in the affirmative. He must maintain hydrology without the sediment problems and this has already been discussed with the city.

Steward commended the applicant for working with the city to create this easement.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 21, 2002

Steward moved to approve the staff recommendation to find the proposed conservation easement to be in conformance with the Comprehensive Plan, seconded by Bills-Strand and carried 8-0: Carlson, Taylor, Bills-Strand, Larson, Krieser, Duvall, Steward and Schwinn voting 'yes'; Newman absent.

There being no further business, the meeting was adjourned at 1:10 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on September 4, 2002.